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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,188	02/13/2004	Franz Josef Madritsch		2187
7590 Dr. Franz Madritsch Schatzbogen 45 Muenchen, D-81829 GERMANY		01/22/2007	EXAMINER PATEL, RITA RAMESH	
			ART UNIT 1746	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/708,188

Applicant(s)

MADRITSCH, FRANZ JOSEF

Examiner

Rita R. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 5, 6 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Applicant's Arguments / Amendments

This Office Action is responsive to the amendment filed on 11/1/06. Claims 1-14 are pending. Claims 5-6 and 11 are objected to. Applicant's arguments have been considered, but are not persuasive. Thus, claims 1-4, 7-10, and 12-14 are finally rejected for the reasons of record.

Applicant's invention is directed towards an external apparatus for washing machine which supplies the water feed of the washing machine with pre-warmed liquid and therefore is not part of the washing machine. Applicant argues that the Getz (US Patent No. 4,528,709) reference fails to disclose said external apparatus. Applicant makes reference to claims 1-5 of Getz and incorrectly argues that Getz's teaching of a "control system" that is within the washing machine teaches against applicant's claims for an external apparatus. The Office contests that Getz fully teaches an external apparatus because, first, the control system of Getz is not what was interpreted by the Office to read on applicant's claim for an external apparatus. Evidence by applicant must be reasonably commensurate in scope with the claimed invention. See, e.g., *In re Kulling*, 897 F.2d 1147, 1149, 14 USPQ2d 1056, 1058 (Fed. Cir. 1990); *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 777 (Fed. Cir. 1983). Applicant's arguments are not commensurate in scope and thus, are not persuasive. Secondly, external hot water 20 and cold water 22 supply lines connect to an external mixing valve 24; these

components of Getz are external to the washing apparatus and thus read on applicant's claim for an external apparatus.

Applicant further claims it would have not been obvious to one of ordinary skill in the art at the time of the invention to use the mechanism by part described in Getz to be used for an external adapter for washing machines since at first an external adapter not being part of the washing machine only brings disadvantages and complications in terms of temperature control and flow control. This disagreement is based on applicant's former misconception that the control system of Getz fails to read on applicant's external apparatus for a washing machine. In arguendo, it would have been obvious to one of ordinary skill in the art at the time of the invention to have been to use the hot/cold water supplies and mixing valve (external apparatus) in a washing machine because it is anticipated by Getz, thus overcoming any issues of obviation of an external apparatus connected to a washing machine.

Claim Objections

Claims 5-6 and 10-12 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 3. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Moreover, claims 5, 6, 10, and 12 specifically state the following claim language: "an apparatus according to any of the previous claims". This type of claims language fails to provide solely alternative dependency; these claims may require dependency on multiple prior claims, thus making this type of language improper. The Office suggests

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the following claims language for the purpose of specifying alternative claim dependency on solely one prior claim: "an apparatus according to any one of the previous claims".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 10, and 13 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 7-9, and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Getz et al. herein referred to as "Getz" (US Patent No. 4,528,709).

Getz teaches an automatic washing machine 10 which includes desired water temperature and level parameters for selection by the user and are entered through the appropriate controls 32 on the console 34 which are stored by a main control microcomputer 46. These values are in turn input to the temperature control

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microcomputer 40. A desired wash mode can also be input into the main control microcomputer 46 by the user (col. 1, lines 55-63). The hot water 20 and cold water 22 supply lines are connected to a mixing valve 24 and are controlled by separate valves 36, 38 respectively. The valves 36, 38 are controlled by a temperature control microcomputer 40. A temperature sensor 42 is located downstream of the mixing valve 24 and is used to sense the temperature of the water passing therethrough and to transmit the temperature value to the temperature control microcomputer 40 (col. 2, lines 30-39). Getz teaches a temperature sensor 42, for checking the temperature of the outflowing liquid. Microcomputer 46 reads on applicant's claim for a mechanism which determines and set the mixing ratio of the different in-flowing liquids according to the user-setting of the desired temperature of the out-flowing liquid. Flow sensor 44 reads on applicant's limitation for an electromechanical actuator element. Valves 6, 38 are capable of limiting pressure of liquid flowing therein. As seen in Figure 1 of Getz, hot and cold water supplies 20, 22 and the inlet mixing valve 24 are located externally of the washing machine housing 12; these devices are affixed upon the back of the machine. As shown in Figure 2, sensor data from the main control 46 and the temperature control 40 may be provided to said external devices.

Getz further teaches a method of controlling the temperature of liquid in a liquid treatment machine including admitting a first liquid, hot water supply line 20, into the container; admitting a second liquid, cold water supply line 22, into the container; determining the volume of the first liquid and the second liquid required to result in filling the container to the pre-selected liquid level at the pre-selected temperature based on

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said measured temperatures and flow rates; and admitting the determined volumes of the two liquids to the container.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Getz as applied to claims 1 and 2 above, and further in view of Lee (US Patent No. 4,895,043).

Getz teaches controls 32 on a console 34 for operation of the microcomputer 46, however, fails to specify the type of controls used thereon. However, Lee teaches a dial of a temperature controller which is capable of locking into place. Lee discloses that the controller may be in used in a refrigerator, but also generally has applications in the field of controllers. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use such a type of dial temperature controller, as taught by Lee, in the invention of Getz for achieving controlling means for selecting the desired temperature of the water to be used for washing. Such a dial controller is easy to use, simple for installation, and provides sufficient means for effective temperature selection.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. DeLangis (Pub. No. US 2005/0121529) teaches a self powered electronically controlled mixing valve for allowing the water temperature to be controlled by the user by selecting the desired touch pad location on a main control unit 15. The invention continuously monitors the mixed water temperature and adjusts the mixing valve as necessary to compensate for temperature or pressure fluctuations in the incoming hot and cold water supplies.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

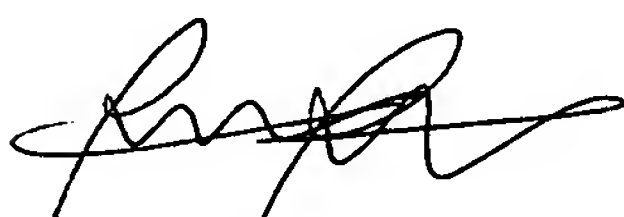
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 8-5.

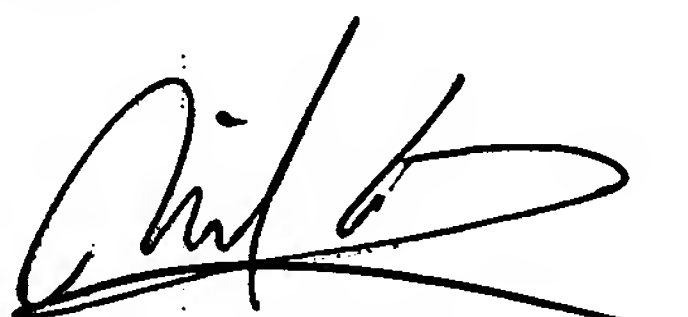
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Rita R. Patel



MICHAEL BARR
SUPERVISORY PATENT EXAMINER